

REMARKS

Reconsideration of the present application as amended is respectfully requested. Claims 1, 12, 13, 18, and 27 have been amended. Support for the amendments to claims 1, 12, 13, 18, and 27 can be found at at least page 3, lines 9-10 of the application as originally filed. Claims 1-27 are currently pending.

Claims 1-9, 12-15, 18-19, and 21-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,366, 785 to Saarela et al. ("Saarela") in view of U.S. Patent No. 6,167,251 to Segal et al. ("Segal"). Independent claim 1 as amended is directed to "[a] method of using a first communications device together with at least one other communications device, the method comprising: playing back audio signals in said first communications device; transmitting the same audio signals to the at least one other communications device; and playing back said audio signals in the at least one other communications device, wherein the playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the playing back of the audio signals in said first communication device."

Regarding independent claim 1, the Office Action alleges that Saarela discloses "a method of playing back audio signals in a first communication device, transmitting the audio signals to a second communication device, and playing back the audio signals in the second communication device (column 3, line 18 to column 4, line 50)." The Office Action acknowledges that Saarela does not specifically disclose "playing back audio signals in the first communication device."

The Office Action alleges that Segal discloses "a communication system for downloading music or other audio information (Fig. 29) in which a music source (38n) is playing back by a server (30), wherein the music is downloaded by a wireless phone and played back by a user (column 30, line 15-37)." The Office action further alleges that "it would have been obvious to one skilled in the art at the time the invention was made to have Saarela, modified by Segal to download audio signal in real time in order to be played back as a time of interest."

Saarela describes a method of recording and delivering a voice message from a calling telephone to a called telephone in the event that the called telephone cannot be reached.

The cited portion of Saarela describes playing a pre-recorded message to a user of a calling telephone that prompts the user to leave a message, and then allowing the user of the calling telephone to record a recorded message. Saarela further describes that, at a subsequent time, the recorded message can be played to a user of the called telephone. Applicant respectfully submits that Saarela fails to teach or suggest at least the feature of independent claim 1 of “wherein the playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the playing back of the audio signals in said first communication device.” Applicant respectfully submits that Segal also fails to teach or suggest at least this feature of independent claim 1.

The cited portion of Segal describes a system in which downloadable music may be made available to a keyless portable cellular phone. Segal further describes that the downloadable music may be provided by a system server and played by the phone, or may be downloaded to a preferred airtime cartridge (connect to the phone) having an internal MP3 player, which plays the music signal as it receives the signal, or preferably stores it to internal airtime cartridge memory for later playback. Thus, the cited portion of Segal describes, whether provided by a system server or from an airtime cartridge, the playback of music by a single phone. Applicant respectfully submits that there is no teaching or suggestion by Segal of playing back the same audio signals in a first communication device and at least one other communication device, wherein the playing back of the audio signals occurs at least in part simultaneously with the playing back of audio signals in the at least one other communications device. Applicant respectfully submits that Saarela in view of Segal fails to teach or suggest at least the feature of independent claim 1 of “wherein the playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the playing back of the audio signals in said first communication device.” Applicant respectfully submits that independent claim 1 distinguishes over Saarela in view of Segal and requests that the 35 U.S.C. 103(a) of independent claim 1 be withdrawn.

Regarding independent claims 12-13, the Office Action indicates that these claims are rejected for the same reason as set forth in claim 1. Independent claim 12 has been amended to include the feature of “wherein the play back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the play back of the audio

signals in said first communications device.” Independent claim 13 has been amended to include the feature of “wherein the playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with playing back of said audio signals by said first communications device.” For similar reasons as those discussed with respect to independent claim 1, Applicant respectfully submits that independent claims 12-13 distinguish over Saarela in view of Segal and requests that the 35 U.S.C. 103(a) rejections of independent claims 12-13 be withdrawn.

Regarding independent claim 18, the Office Action indicates that this claim is rejected “for the same reasons as set forth in claim 1, wherein an accessory device (document outbox) plays back audio signals (recorded voice signals) and transmits to other telephone (Figs. 1, 2, column 3, lines 40-67).” Independent claim 18 has been amended to include the feature of “wherein the playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with playing back of the audio signals in said first communications device.” For similar reasons as those discussed with respect to independent claim 1, Applicant respectfully submits that independent claim 18 distinguishes over Saarela in view of Segal and requests that the 35 U.S.C. 103(a) rejections of independent claims 18 be withdrawn.

Claims 2-9, 14-15, 19, and 21-22 are dependent and include the features of their respective independent claims 1, 13, and 18. For at least the reasons discussed with respect to independent claims 1, 13, and 18, Applicant respectfully submits that claims 2-9, 14-15, 19, and 21-22 distinguish over Saarela in view of Segal and requests that the 35 U.S.C. 103(a) rejection of claims 2-9, 14-15, 19, and 21-22 be withdrawn.

Claims 10-11 and 25-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of Segal as applied to claim 9, and further in view of (U.S. Patent No. 6,192,340) to Abecassis et al. (“Abecassis”). Regarding claims 10-11, the Office Action acknowledges that “the modified Saarela system does not specifically disclose that the audio signals are compressed.” The Office Action alleges that Abecassis discloses “a playback audio system in which audio signal is digitized and compressed in a MP3 format (column 5, line 40, column 7, line 32).” The Office Action indicates that “therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Saarela

system, modified by Abecassis in order to store double or triple audio data than in the same uncompressed storage area.” Regarding claims 25-28, the Office Action acknowledges that “the modified Saarela system does not specifically disclose the first and second devices simultaneously play the same audio signal.” The Office Action alleges that Abecassis discloses “a system for downloading music via MP3, in which an audio item is retrieved at the time of its playing and retrieved and played in a real-time manner (column 11, lines 25-30, 58-61, column 14, lines 60-62, column 28, lines 1-13).” The Office Action further alleges that “it would have been obvious to one skilled in the art at the time the invention was made to have modified Saarela system, modified by Abecassis in order to retrieve audio items consistent with the user’s preferences and selection criteria.”

Claims 10-11 and 25-28 are dependent upon and include the features of their respective independent claims 1, 12, 13, and 18. As previously discussed, Saarela in view of Segal fails to teach or suggest at least the aforementioned features of independent claims 1, 12, 13, and 18. Applicant respectfully submits that Abecassis also fails to teach or suggest at least these aforementioned features. For example, Abecassis fails to teach or suggest the feature of independent claim 1 of “wherein the playing back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the playing back of the audio signals in said first communication device.” The cited portion of Abecassis describes a multimedia player capable of simultaneously receiving, managing, and integrating a plurality of audio, video, data, voice/video digital and/or analog communications and transmission. Abecassis describes, for example, that while a multimedia player is playing a radio-on demand session, the multimedia player may receive a communication in the form of a phone call, videophone call, fax, messaging and paging, and any analog or digital transmission. However, there appears to be no teaching or suggestion in the cited portions of Abecassis of playing back the same audio signals in a first communications device and at least one other communications device, wherein the playback of the audio signals in the at least one other communications device occurs at least in part simultaneously with the playing back of the audio signals in the first communications device. Applicant respectfully submits that claims 10-11 and 25-28 distinguish over Saarela in view of Segal and further in view of Abecassis and requests that the 35 U.S.C. 103(a) rejection of claims 10-11 and 25-28 be withdrawn.


Claims 16-17, 20, and 23-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of Segal, and further in view of U.S. Patent No. 6,446,127 to Schuster et al. ("Schuster"). Regarding claims 16, 20, 23-24, the Office Action acknowledges that "the modified Saarela system does not specifically disclose the communication device is adapted to use in a wireless short range, as bluetooth, infrared, and in a GPRS network." The Office Action alleges that "Schuster, in the same kind of invention, discloses the communication device is adapted to use in a wireless short range as a Bluetooth, and in an infrared (column 7, lines 33-43), and being used in a packet network (column 14, lines 5-36) as a GPRS." The Office Action indicates that "therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the modified Saarela system, modified by Schuster to implement a short-range transceiver with a packet network in order to improve the system performance without significantly increasing cost of the telephone." Regarding claim 17, the Office Action alleges that Saarela discloses "the audio signal (recorded message) integrated in the communication device (Fig. 1, column 3, lines 38-60)."

Claims 16-17, 20, and 23-24 are dependent upon and include the features of their respective independent claims 13 and 18. As discussed with respect to independent claims 13 and 18, Saarela in view of Segal fails to teach or suggest the aforementioned features of independent claims 13 and 18. Applicant respectfully submits that Schuster also fails to teach or suggest these features. Schuster describes a system for providing user mobility services on a telephony network. However, Schuster fails to teach or suggest, for example, the feature of independent claim 13 of "wherein the play back of said audio signals in the at least one other communications device occurs at least in part simultaneously with the play back of the audio signals in said first communications device." Applicant respectfully submits that claims 16-17, 20, and 23-24 distinguish over Saarela in view of Segal and further in view of Schuster and requests that the 35 U.S.C. 103(a) rejection of claims 16-17, 20 and 23-24 be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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